

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SCOTT MORGAN, JR.,

Defendant,

and,

KIMBERLY GUADALUPE,

Third-Party Claimant.

No. CR18-132-RAJ

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Entry of a Final Order of Forfeiture for the following Subject Property:

- A. Approximately \$60,909.10 in U.S. currency, seized from the Defendant on or about June 6, 2018, from a residence in Brier, Washington;
- B. Approximately \$6,772 in U.S. currency, seized from the Defendant on or about June 6, 2018, in Bellevue, Washington; and
- C. Assorted jewelry, seized on or about June 6, 2018, from Defendant's residence in Brier, Washington – with the exception of a 1 ¾ CTTW ring, valued at approximately \$3,208.03, purchased from the Zales Outlet in Tulalip, Washington on or about January 2, 2015 (the "Zales Ring").

1 The United States has also requested authorization to release the Zales Ring to Third-
 2 Party Claimant Kimberly Guadalupe and to dispose of the remaining Subject Property
 3 when no longer needed as evidence.

4 The Court, having reviewed the United States' motion and the other pleadings and
 5 papers filed in this matter, HEREBY FINDS that entry of a Final Order of Forfeiture of
 6 the Subject Property is appropriate because:

- 7 • On November 28, 2018, Defendant Michael Morgan, Jr., was charged by
 8 Superseding Indictment with multiple offenses, including *Conspiracy to*
 9 *Distribute Controlled Substances*. Dkt. No. 277. The Superseding Indictment
 10 included forfeiture allegations providing notice of the United States' intent to
 11 forfeit, pursuant to 21 U.S.C. § 853(a), all property constituting proceeds of,
 12 and/or that facilitated, such conspiracy. *Id.* at 30–34.
- 13 • On December 14, 2018, upon the United States' motion, the Court entered a
 14 protective order restraining the above-described currency pending the
 15 conclusion of the criminal case and related forfeiture proceedings.
 16 Dkt. Nos. 297, 328.
- 17 • On June 25, 2019, the Defendant was charged by Superseding Information
 18 with, among other offenses, *Conspiracy to Distribute Controlled Substances*
 19 (as set forth in Count 1). Dkt. No. 544. The Superseding Information also
 20 provided notice of the United States' intent to forfeit, pursuant to 21 U.S.C.
 21 § 853(a), all property constituting proceeds of, and/or that facilitated, such
 22 conspiracy. *Id.* at 6–8.
- 23 • On June 26, 2019, the Defendant pleaded guilty to the charged offenses,
 24 including the drug trafficking conspiracy. Dkt. No. 548. He agreed, pursuant
 25 to 21 U.S.C. § 853(a), to forfeit his interest in any proceeds of and/or
 26 facilitating property for such conspiracy. *Id.* ¶ 7. The Defendant admitted the
 27 currency and jewelry seized on or about June 6, 2018 were proceeds of the
 28 conspiracy - including the Subject Property and the Zales Ring. *Id.* ¶ 9(h), (j).

- 1 • On October 25, 2019, the Court entered a Preliminary Order of Forfeiture,
2 finding the Subject Property forfeitable pursuant to 21 U.S.C. § 853(a) and
3 forfeiting the Defendant's interest in it. Dkt. Nos. 638, 655, 675. At the
4 Defendant's sentencing on October 25, 2019, the Court entered a Judgment
5 against the Defendant that incorporated the Preliminary Order of Forfeiture.
6 Dkt. No. 678.
- 7 • Thereafter, the United States published notice of the pending forfeiture, as
8 required by 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) (Dkt. No. 728), and
9 provided direct notice to potential claimants, as required by Rule
10 32.2(b)(6)(A). Dkt. No. 718-1, ¶ 2 and Ex. A, thereto, and Dkt. No. 728.
- 11 • On December 17-18, 2019, Third-Party Claimant Kimberly Guadalupe timely
12 filed a Third-Party Petition ("Petition") for \$60,909.10 of the above-described
13 currency and all of the jewelry seized on or about June 6, 2018. Dkt. Nos. 714-
14 716.
- 15 • No other claimants have filed third-party petitions, and the time for doing so
16 has expired.
- 17 • After completing discovery, the United States timely filed a motion to dismiss
18 Ms. Guadalupe's Petition for failure to state a cognizable claim under 21
19 U.S.C. § 853(n)(3) and, alternatively, to grant summary judgment to the
20 United States. Dkt. No. 890.
- 21 • On May 6, 2022, the Court issued an Order in which it dismissed Ms.
22 Guadalupe's Petition, in part, reserving judgment solely on her claim to the
23 Zales Ring. Dkt. No. 985.
- 24 • After the United States confirmed it would no longer challenge Ms.
25 Guadalupe's claim to the Zales Ring, the Court entered an Order granting Ms.
26 Guadalupe's Petition solely to the Zales Ring and dismissing her Petition to the
27 remainder of the Subject Property. Dkt. Nos. 989, 993.
- 28

- Third-Party Claimant Guadalupe filed a Notice of Appeal of the Court's decisions. Dkt. Nos. 985, 990.

NOW, THEREFORE, THE COURT ORDERS:

1. No right, title, or interest in the Subject Property exists in any party other than the United States;

2. The Subject Property is fully and finally condemned and forfeited, in its entirety, to the United States;

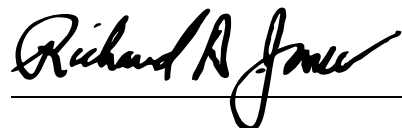
3. The United States Department of Justice, and/or its representatives, are authorized to:

a. Dispose of the Subject Property when no longer needed as evidence and in accordance with the law; and

b. Release to Kimberly Guadalupe, or her representative, the 1 ³/₄ CTTW ring, valued at approximately \$3,208.03, purchased from the Zales Outlet in Tulalip, Washington on or about January 2, 2015.

IT IS SO ORDERED.

DATED this 3rd day of August, 2022.



HON. RICHARD A. JONES
United States District Judge